

**Testimony before the Judiciary Committee of the Connecticut General Assembly Submitted
by Steven Hernández, Executive Director of the Commission on Equity & Opportunity (CEO)
and Commission on Women, Children, & Seniors (CWCS)
Friday, March 22, 2019**

Re: In support of Raised S.B. No 1085, S.B. No. Raised S.B. 1089 & Raised H.B. 7372

Senator Winfield, Representative Stafstrom, ranking & other distinguished members of the Judiciary Committee: My name is Steven Hernández, Executive Director of the Commission on Equity & Opportunity (CEO) and Commission on Women, Children, & Seniors (CWCS). Thank you for the opportunity to provide testimony in support of Raised S.B. No 1085 *"An Act Concerning the Legalization of the Retail Sale and Possession of Cannabis and Concerning Erasure of Criminal Records in the Case of Convictions Based on the Possession of a Small Amount of Cannabis;"* S.B. No. Raised S.B. 1089 *"An Act Concerning Cannabis and the Workplace;"* & Raised H.B. 7372 *"An Act Concerning Driving While Under the Influence of an Intoxicating Drug."*

The CEO/CWCS supports legislation that would regulate adult recreational usage of cannabis, while emphasizing and ensuring that communities that have been harmed by racial disparities in drug law enforcement can equitably benefit from growth in the cannabis sector, through community reinvestment, business opportunities, and employment. It's estimated that only 1% of legal cannabis retail dispensaries are owned or operated by people of color. In fact, most existing legalization laws erect barriers to full and equal participation of people of color in the marijuana industry by restricting access to licensing and setting the costs of entry at an unaffordable level – Connecticut can learn from this and do better.

Furthermore, CEO/CWCS strongly support community reinvestment carve-outs that prioritize re-investments of any and all new resources back in the communities mostly affected. As State Senator John Fonfara recently indicated at a forum we hosted along with the Black & Puerto Rican Caucus and other stakeholders on Marijuana Policy, Sen. Fonfara indicated that *"We have an opportunity to be transformative with these dollars – and if they go into the general fund they'll never be gotten back again."*

We agree and urge that this legislature prioritize revenue reinvestments that empower existing community based organizations and local financial institutions to: (1) support early literacy in communities by expanding access to the state's scientific, research-based K-3 literacy initiative; (2) support pathways to homeownership for families that currently rent through success cliff navigation and financial literacy supports; (3) support pathways to work through apprenticeship and certificate models, inside an outside of the community, so that wealth and resource comes back to the community; (4) plan intra and inter-community transportation around workforce

and families to increase access to work and other opportunities, and (5) support multi-generational community centers that seniors and young people together in safe and supportive environments that promote empathy, connection and community.

Important Statistics

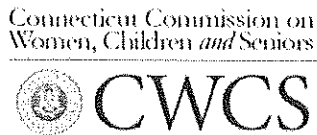
- Adult recreational use of marijuana has been legalized in ten states and the District of Columbia.
- In 2011, Connecticut decriminalized possession of less than one-half ounce of marijuana (possession of this amount is punishable now by only a fine).
- Connecticut legalized medical marijuana in 2012.
- Currently in Connecticut, possession of one-half ounce or more of marijuana, like possession of other controlled substances, is punishable as a Class A misdemeanor.
- Sale of marijuana is a felony and punishable by up to seven years imprisonment.
- Nationally, nearly two-thirds of American voters support legalizing marijuana.
- Although marijuana use is roughly equivalent between Whites and Blacks in the United States, Blacks have been much more likely to get arrested for marijuana use.
- Blacks in Connecticut were 3.3 times more likely than Whites to be arrested for marijuana use.

The benefits of legalization of marijuana include:

- Closing the illegal market for marijuana where the risk is accessing tainted product increases, including opiates and other dangerous and highly addictive substances.
- Reducing state spending on marijuana-related arrests, prosecutions, and punishment;
- Preventing people from facing barriers to jobs, licenses, and housing based on criminal records relating to marijuana;
- Reducing opioid-related harms (as people choose marijuana as a lower-risk way to manage pain);
- Raising tax revenue that can be devoted for social good; and
- Creating jobs in the legal marijuana industry.

Youth prevention matters!

A critical component to the legalization and regulation of recreational marijuana is that it be prohibited for young people under the age of 21. The community reinvestment strategy we describe above should focus on asset building through prevention and rebuilding communities that support and enhance family life, strengthen former inmates' families, bolster parental employment capacity, and invest in the neighborhoods that experienced the greatest impact of



prior cannabis enforcement. Connecticut should continue researching youth marijuana prevention programs especially evidence-based programs that focus on social and emotional learning skills and other social skills to help keep kids from engaging in drug use or other life-threatening or risky behaviors.

S.B. No. 1085 – Specific Amendments Recommended by CEO/CWCS

- Automatic Expungements for anyone with marijuana charges such as cultivation, possession with intent to sell, distribution or any other cannabis offenses for actions that are now legal for individuals who are granted licenses.
- Dramatically reduce the penalties under legalization, e.g. civil infractions for first offense; other penalties for distribution and sales without a license brought into parity with CT liquor laws. No mandatory minimums.

S.B. No. 1089 – No changes needed.

Employers will not be required to make accommodations for or allow employees to use or possess cannabis in the workplace. CEO/CWCS supports this legislation without any changes.

H.B. No. 7372 – One change suggested.

This bill would prohibit driving while smoking, inhaling or ingesting a cannabis-type substance, and prohibit a passenger from smoking a cannabis-type substance. Most importantly this bill would provide funding to train law enforcement officers as drug recognition experts. We would highly recommend that in addition to training law enforcement, the state purchases new THC breathalyzer equipment/technology which is currently available to avoid subjective law enforcement contact with the general public.

In closing we would like to provide this committee with a top ten equity must haves in any legislation bill that was shared to CEO/CWCS by Commissioner Shaleen Title of the Cannabis Control Commission from the Commonwealth of Massachusetts at the CEO/CWCS's Cannabis Forum held on Friday, March 15, 2019 at the Legislative Office Building:

1. *Homegrow. Allow consumers to grow a limited number of their own plants at home (in MA, it's 6 per adult with max of 12 per residence, see law for details) and gift a limited amount to other adults (in MA, it's one ounce). This serves as a check on monopolies, delays, and more.*
2. *Automatic expungement for cannabis convictions, in the same law at the same time as legalization.*



3. *Ensure as a non-negotiable, never-expiring statutory requirement that people from disproportionately harmed communities are represented at the very top of the regulating agency.*
4. *Ensure that the regulating agency is diverse, independent, subject to full transparency, and appointed by different people.*
5. *Dedicate tax revenue to be reinvested into disproportionately harmed communities. Give it teeth; do not allow that revenue to be “subject to appropriation” and do not require bureaucratic application processes that only privileged communities will be able to tap into. Note: the Minority Cannabis Business Association model state bill, which she worked on before becoming a commissioner, creates an Office of Justice Reinvestment to fairly distribute such revenue.*
6. *Separate from that reinvestment, invest a specific percentage of tax revenue into technical assistance, hiring programs and interest-free loans for disproportionately affected communities with a funding mechanism for initial programming and outreach as soon as the law passes. It is very important that you specify the agency(ies) in charge with specified deadlines and consequences for missing the deadlines. Commissioner Title thinks every existing equity program thus far, including the one she designed, underestimated the need for IMMEDIATE outreach and education.*
7. *Require state regulators and localities to ensure diversity in the industry at ownership and employee levels, and to enforce limits, with goals, measurement, and accountability for the regulators (it may be best for them to design their own goals rather than specifying them).*
8. *Institute a statutory requirement that tax revenue only flows to municipalities that have honored these mandates. Leave it up to the municipalities to figure out how to make their local laws and processes inclusive to disproportionately harmed communities BEFORE receiving any local taxes.*
9. *Require every business to contribute to these goals in addition to (*BUT NOT INSTEAD OF*) the government’s role. One option is to require diversity plans and positive impact plans as requirements for licensure and renewal, as in MA, but there are many ways to accomplish this.*
10. *Lastly, require the regulating agency to collect data on each of these items, report the data regularly, and take remedial measures when the data is not satisfactory. Give the regulating agency broad flexibility and authority to accomplish this.*